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May 7, 2019 Minutes

Brookings County Planning & Zoning Commission
May 7, 2019 – 8:00 PM
Brookings City & County Government Center
310 Chambers

Chair Rochel called the meeting to order at 8:02 PM. Commission members present were: Robert Rochel, Kimberly Elenkiwich, Darrel Kleinjan, Terrell Spence, Michael McHugh, Chad Ford and alternate board members Tom Davis and Roger Erickson. Members absent were: Mike Bartley, Darrell Nelson and Randy Jensen.

Chair Rochel read **agenda item # 2: Approval of minutes from April 2, 2019 meeting.** Chad Ford moved to approve the minutes. Terrell Spence second. Chair Rochel called for a voice vote. 8-ayes and 0-nays, motion carried.

Chair Rochel read **agenda item # 3: Items to be added to agenda by commission members or staff.** a) Chair Rochel noted he would address the premature resignation of Darrell Nelson due to medical issues.

Chair Rochel read **agenda item # 4: Invitation for citizen to schedule time on the commission agenda for an item not listed. Time limited to 5 minutes per person to address the board.** No one scheduled time to address the board.

Chair Rochel read **agenda item # 5: Disclosure of Conflicts of Interest: Relationship(s) to Applicant; or Ex Parte Communication.** None

Chair Rochel read **agenda item # 6: Approval of Agenda.** Michael McHugh moved to approve the agenda. Darrel Kleinjan second. Chair Rochel called for a voice vote. 8-ayes and 0-nays, motion carried.

Chair Rochel stated, "We are now acting as the Brookings County Planning and Zoning Commission" read the opening statement and **agenda item # 7: Consideration of Plats: a. 2019plat006: "Plat of Block 1, Jensen Addition in the SW1/4 SW1/4 Sec 23, T110N, R51W of the 5th P.M. and the NW1/4 NW1/4 of Sec 26, T110N, R51W of the 5th P.M., Brookings County, South Dakota."** Tom Davis moved to approve the plat. Chad Ford second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Gary Jensen is combining a 34.17 acre parcel and a 1.87 acre parcel into one

35.4 acre parcel.” He noted: 1) Parcels were adjoining and consisted mostly of grass/pastureland with some tillable farm ground. 2) A portion of the parcel was in the flood plain. 3) The property adjoins the city limits of Volga and Volga City Council will also have to sign off on the plat. 4) A residence could be built on the property as it met the current 35 acre residential building requirement. Mr. Haugen used visuals to describe the plat. Luke Muller, Senior Planner – First District Association of Local Government stated, “Since this property touches the City limits of the City of Volga, the City of Volga has to sign off on it.” Chair Rochel opened up for questions from the board, hearing none. He opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none closed the public hearing. Chair Rochel asked the board for questions or comments, hearing none he called for a roll-call vote: McHugh-aye, Elenkiwich-aye, Davis-aye, Kleinjan-aye, Ford-aye, Spence-aye, Erickson-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel stated, “We are now acting as the Brookings County Board of Adjustment” read the opening statement and **agenda item # 8: 2019cu004: Mike Cotton and George Cotton have made an application, 2019cu004, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: “A” Agricultural District: Conditional Use Permit # 19: Seasonal retail stands, excluding garden produce but including fireworks stands. The property is described as: “W317’ of E357’ of W800.81’ of S332’ of SW1/4 SE1/4 Exc H-1 & H-2 and N643’ of S975’ of E357’ of W800.81’ & E40’ of W800.81’ of S332’ of SE1/4 all in Section 14, T110N, R51W (Volga Township)” ~ located at 638 E Hwy 14, Volga, SD 57071.** Michael McHugh moved to approve the conditional use request. Kimberly Elenkiwich second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Mike and George Cotton have applied for a conditional use permit for a seasonal fireworks stand.” He noted: 1) Stand would be located at Mike Cotton’s, 638 E Hwy 14, Volga, SD 57071. 2) Cotton’s had previously sold fireworks in the City limits of Volga for the past 6-7 years. 3) Structure used to sell fireworks out of would be a 10’ x 20’ portable building that would be anchored down. 4) Business information: Hours of operation would be 10:00 AM – 10:00 PM, existing driveway off US Hwy 14 would be used and site had adequate parking area. 5) Applicants would abide by South Dakota Codified Law 34-37 for sale of fireworks. 6) Letters were sent to adjoining landowners, City of Volga, Volga Township Chairman and Clerk, and South Dakota Department of Transportation. 7) Public Notices were published in the Brookings Register on April 23 and 30, 2019 and the Volga Tribune on April 25, 2019 and May 2, 2019. Mr. Haugen then stated, “Volga City Manager Jamison Berreth and Jon Rittershaus with the South Dakota Department of Transportation had contacted the office and had no objections to the request.” He then presented a visual presentation of the site and noted that a representative (Ron Hillestad) was in attendance and would answer any questions. Chair Rochel asked the representative to come forward and address the board. The representative identified himself as Ron Hillestad and stated, “Mike and I have had a fireworks stand in Volga for probably seven years. It has been located on the corner lot of the Valley Gas Stop in Volga. We would

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like to get it moved away from the fuel pumps and stuff. Mike bought this piece of property and we thought it would work out well if we moved the stand over there.” Chair Rochel opened up for questions from the board. Board members Ford, Elenkiwich, Davis and Chair Rochel asked questions regarding: 1) Foot traffic and safety of children 2) Sales space, storage of items and operation timeline. 3) Parking area 4) Fireworks being ignited on site and trash collection. 5) Length of time the conditional use is valid. Mr. Hillestad noted: 1) children were generally with parents and not a concern in the past. The site would be off the road and away from the fuel pump hazards of the past. 2) Items would be offered for sale from the stand with a limited supply in view and supplies would be stored in a separate storage trailer. Operation timeline would be as state regulated (June 27-July 5). 3) Parking area is sod grass area. 4) Considering ignition of fireworks on site but would maintain distance of at least 300 feet from building and a trash dumpster would be located on site along with a pool of water. 5) The conditional use is valid for 1 year then a reapplication and review and possibility of 3 year validity and after another application and review at end of year 3 conditional use could be granted to be permanent. Chair Rochel opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none closed the public hearing. Chair Rochel asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Rochel called for a roll-call vote: McHugh-aye, Elenkiwich-aye, Davis-aye, Kleinjan-aye, Ford-aye, Spence-aye, Erickson-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 9: 2019var003: Ann Winger has made an application, 2019var003, to the Brookings County Board of Adjustment for a variance. Article 11.00: Section 11.01 “A” Agricultural District: Area Regulation # 2: Front Yard: The minimum depth of the front yard shall be one hundred (100) feet. A corner lot will have two front yards. The property is described as: “NE1/4 NE1/4 of Section 35, T111N, R48W (Sherman Township)” -- located at 20713 483rd Ave, White, SD 57276.** Kimberly Elenkiwich moved to approve the variance request. Chad Ford second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, “Ann Winger has applied for a variance to move in a used mobile/manufactured home 45 feet from the center of 483rd Ave, a variance of 88 feet, on her father’s property.” He noted: 1) the location was off a rolling Sherman Township gravel road that was sparsely populated (next farm was 1.25 miles south). 2) Building site was small with hills and valleys close to the buildings and southern edge was in the flood plain. 3) Eugene Sherman, the landowner, had been granted a variance for a mobile home on the same location on November 1, 1994 – that mobile home had been removed in 2016. 4) Conditional use request for a mobile/manufactured home as a secondary residence would be heard following the variance request hearing. 5) Public notices were published in the Brookings Register on April 23 and 30, 2019 and the White Tri-City Star on April 25, 2019 and May 2, 2019. 6) Letters were sent to adjoining landowner’s, and the Sherman Township Chairman and Clerk. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked Ms. Winger to come forward and

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address the board. The applicant identified herself as Ann Winger and stated, "I agree with everything he (Mr. Haugen) said, that is the best option for location of the mobile home out there because of the hills and utilities." Chair Rochel opened up for questions from the board. Board member Davis noted his family farmed near the site and that in the 22 years that the prior mobile home had been on the site it had never caused any problems. Chair Rochel asked if it was possible to move the mobile home farther back from the road. Mr. Haugen and board member Davis noted there was only 20-25 feet between the existing home and where the proposed mobile home would be placed and the lay of the land didn't allow for any other location. Chair Rochel opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none closed the public hearing. Chair Rochel asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Rochel called for a roll-call vote: Davis-aye, Kleinjan-aye, Ford-aye, Spence-aye, Erickson-aye, Elenkiwich-aye, McHugh-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 10: 2019cu005: Ann Winger has made an application, 2019cu005, to the Brookings County Board of Adjustment for a conditional use. Article 11: Section 11.01: "A" Agricultural District, Conditional Use # 16: "One manufactured or mobile home as a secondary residence, on an established farmstead to be used for the occupancy of a farm employee, or by parents, grandparents, children or brothers and sisters of the occupant of the land, provided that said mobile home is removed within ninety (90) days of the vacation there from by the qualified occupant or occupants. The property is described as: "NE1/4 NE1/4 of Section 35, T111N, R48W (Sherman Township)" ~ located at 20713 483rd Ave, White, SD 57276.** Chad Ford moved to approve the conditional use request. Tom Davis second. Chair Rochel opened up for discussion and asked Mr. Haugen for his staff report. Mr. Haugen stated, "Ann Winger has applied for a conditional use to move in a used manufactured/mobile home as a secondary residence on her father's property." He noted: 1) Eugene Sherman (Ann's father) would continue to live in the primary residence and Ann would live in the manufactured/mobile home. 2) The manufactured home would be located on the east side of the existing house. 3) Landowner (Eugene Sherman) had been granted a special exception for a mobile home to be used by his daughter in the past (November 1, 1994) and that home had been removed in 2016. 4) Utilities still in place from the previous mobile home. 5) Variance request was heard prior and was approved. 6) Public notices were published in the Brookings Register on April 23 and 30, 2019 and the White Tri-City Star on April 25, 2019 and May 2, 2019. 7) Letters were sent to adjoining landowner's, and the Sherman Township Chairman and Clerk. Mr. Haugen then presented a visual presentation of the site. Chair Rochel asked Ms. Winger to come forward and address the board. The applicant noted, the information presented by Mr. Haugen was all correct and that she had nothing to add. Chair Rochel opened up for questions from the board. Board member Davis noted that he had no concerns with the placement as it had not been an issue in the past when a prior mobile home had been located in the same location. Chair Rochel

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opened up the public hearing portion asking for questions or comments from the audience opponents and proponents, hearing none closed the public hearing. Chair Rochel asked for additional comments from the board, hearing none he asked Mr. Haugen to go over the findings of facts, with any additions, which are on file. Chair Rochel called for a roll-call vote: Kleinjan-aye, Ford-aye, Spence-aye, Erickson-aye, McHugh-aye, Elenkiwich-aye, Davis-aye, Rochel-aye. 8-ayes, 0-nays, motion carried.

Chair Rochel read **agenda item # 11: Department Reports.** Mr. Haugen noted so far there were a couple items that would be on the June agenda and another week for applications to come in the office. Mr. Hill announced there was a new States Attorney – Dan Nelson and he would take over legal matters for the board. He noted that 19 of 23 townships filed paperwork that was filed with the State of South Dakota for review regarding the damages due to the blizzards and flooding. He would brief the board when any information came back from the state. Mr. Haugen noted he had one more comment and noted that Hammink Dairy was building a residence to be placed on crawl space (no basement) on the dairy site for its workers and would be following the rules of a family. *Section 2.33. Family One (1) or more persons related by blood, marriage, or adoption occupying a dwelling unit as an individual housekeeping organization. A family may include two (2), but not more than two (2), persons not related by blood, marriage, or adoption.* Chair Rochel then noted that board member Darrell Nelson had asked to resign from his position on the board at a previous meeting for health reasons. He noted that Mr. Nelson's health concerns had improved and he wished to remain on the board. Mr. Hill noted that the position had been advertised, the Commission Assistant had been consulted and the advertisement was removed and Mr. Nelson would remain a board member.

Chair Rochel read **agenda item # 12: Executive Session, if Necessary.** Chair Rochel noted no need for executive session.

Chair Rochel asked for a motion to adjourn. Chad Ford made a motion to adjourn the meeting, Michael McHugh second.

Chair Rochel adjourned the meeting at 9:04 PM.

Rae Lynn Maher
Brookings County
Development Department.